

*Amendment in Application 10/790,085
Response to Office Action of October 31, 2007*

REMARKS

The non-elected claims 2-23 and 36 are canceled without prejudice to reentry.

Amendments. An amended Fig. 21 is attached. The specification is amended to fully support the revisions of Fig. 21. No new matter is entered. Approval is requested.

The airtightness-test pipe connected to the sleeve, which is now recited in claim 15, is supported by pipe 174 which is from a compressed air generator (see text spanning pages 86-87 in the specification), and therefore contains the compressed air which is now claimed. Similarly, the amendment to claim 16 is supported by the same disclosure together with page 87, lines 1-3 relating to the pipe 176. Claim 17 is similarly supported.

New claims 45-47 are supported in the drawing figures which clearly show a bore (e.g., Fig. 21) and also show the refrigerant tubes inserted into those bores (e.g., Fig. 1). The connection and sealing are supported at page 129, line 12, reading, "The refrigerant introduction tube 92 ... end is inserted and connected to the sleeve 144, and opened in the hermetically sealed container 12." Clearly, if the connection were not hermetic, the sealed container would not be hermetically sealed. Therefore the specification supports the common-sense requirement of hermetic sealing of the tube 92, and thus supports the claim language, "insertable ... and hermetically connectable to the sleeve." Sealing of the other tubes is similarly supported.

New claims 48-50 are supported at page 87, lines 9.

The new claims are patentable for the reasons below.

The amendment to claim 34 is supported by "a projection 197 for projection welding is formed around the abutting portion 196" at page 82, line 4, and by Fig. 28 which shows the projection 197 as annular. (That the projection 197 is annular follows from the fact that the sleeve 142 is cylindrical—shown in Fig. 3—and that Fig. 28 is a diametrical cross section.)

Plural sleeves are disclosed at page 87, line 6. Page 119 also supports the amendment.

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In response to the outstanding Office Action:

(1) Claims 15 and 17 are rejected under 35 U.S.C. §112, first paragraph, for lack of enablement. The attached revised Fig. 21, together with the present amendments to the specification, explain the operation. Withdrawal of the rejection is requested.

(2) Claims 15, 17, 34, and 35 are rejected under 35 U.S.C. §112, second paragraph, for being indefinite. The claims are amended in view of the Examiner's remarks. Withdrawal of the rejection is requested.

(3) All of the claims are rejected under 35 U.S.C. §102(b) as being anticipated by Gannaway, US 5,007,807. This rejection is respectfully traversed.

Flange. Claims 15 and 17 recite a flange, but no flange is disclosed on either of the inlet or discharge of Gannaway—both are threaded. The only flange seen in Gannaway's Fig. 3 is the flange on the "outer member" 218 which is screwed onto the sleeve 216. The outer member 218 is not "provided in the hermetically sealed container" as is the Applicants' sleeve, and therefore does not correspond to or anticipate the claimed sleeve (the Examiner states that 216 is a sleeve). Thus, the flange on the outer member 218 is not "formed around an outer surface of the sleeve" as claimed and does not anticipate those claims.

The claimed flange provides an advantage which is set out at page 109, line 17: "Thus, by using the flange, it is possible to easily engage and connect the coupler provided for piping from a compressed air generator it is possible to finish airtightness testing ... within a short time."

Air-Tightness Test. An air-tightness test is disclosed by the Applicants at page 87, line 8. The Applicants' specification at page 87, line 11, explains:

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Thus, since the pipes 174 and 176 from the compressed air generator can be easily connected by using the coupler 171 and the connector 173, the airtightness test can be finished within a short time. Especially, in the case of the upper and lower sleeves 141 and 142 adjacent to each other, the flange 151 is formed in the sleeve 141, and the screw groove 152 is formed in the sleeve 142, thereby eliminating a state where two couplers 171 larger in dimension compared with the connector 173 are attached adjacently to each other. Thus, even when a space between the sleeves 141 and 142 is narrow, it is possible to connect the pipes 174 and 176 to the sleeves 141 and 142 by using the narrow space.

Gannaway does not disclose this object and advantage, nor any connection adapted to provide them. No pressure test is disclosed by Gannaway, nor any connection intended for such a test, nor any compressed air.

New Claims 45-50. Claims 45-47 recite a bore, and hermetic insertion and sealing of the refrigerant pipes after the air-tightness test involving the claimed airtightness-test pipes.

Gannaway discloses that refrigerant pipes that are connected (col. 7, line 58; col. 8, lines 15-18). However, there is no bore suitable for inserting refrigerant tubing.

No bore is shown at the discharge 280, and what hidden bore there might be might not be suitable for accepting a pipe; certainly, this is not disclosed. Moreover, the tubing would be too large, because it is adapted to fit to the outer diameter.

As to the inlet, it contains a screen filter (col. 8, line 10) that would prevent insertion and Gannaway specifically teaches that it is the fitting 230 (left-most in Fig. 3) that is fastened "to the suction tubing of a refrigeration system" (col. 8, line 17). Due to the constriction of diameter past the fitting 230, the tubing could never penetrate to the sleeve.

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The air pressure recited in claims 48-50 is not disclosed by Gannaway.

Claim 34 Recites a Structural Feature. Claim 34 is amended to recite a projection for projection welding. The advantage of this structural feature is set out by the Applicants at page 83, line 6: "the projection 197 is welded by a welding tool, and the sleeve 142 is projection-welded to the container main body 12A. This constitution makes it possible to accurately maintain perpendicularity of the sleeve 142 (similar in 141, 143 and 144) with respect to the inner diameter of the container main body 12A without using any fixtures."

Gannaway discloses a member 216 (Fig. 3) that is fastened to the housing by "welding, brazing, soldering, or the like" (col. 8, line 9). However, projection welding is not disclosed, nor is the Applicant's claimed projection.

A projection could not be predicted from the disclosure of Gannaway because Gannaway's housing fitting assembly 202, which includes the sleeve 216 applied by the Examiner (see col. 8, lines 3-4), is "a slightly modified version of a fitting that is commercially available from Primor of Adrian, Mich." (col. 8, line 21). Adding a projection to a commercially available unit is not feasible, because *adding* an integral portion cannot be done with a file or a router: such a modification would entail contacting the manufacturer and placing a special order, which would be a cumbersome, slow, and very expensive process.

Therefore, the person of ordinary skill would not have done it, and therefore it is not predictable from the prior art.

The above amendments are believed to place the claims in proper condition for allowance, which is requested.

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Respectfully submitted,

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Enclosure: Petition for Extension of Time

*I hereby certify that this correspondence is being facsimile transmitted to the Patent and
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FIG. 21

